

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RICHARD SNYDER,

Plaintiff,

v.

**GPM 2, LLC, CHRISTY
MANAGEMENT, LLC, BONNIE
BENSON, P.A., THE FELTON BANK
OF DELAWARE, JAMES P. CONNOR,
JR., UNKNOWN TITLE INSURANCE
COMPANY and SERGOVIC & ELLIS,
P.A.,**

Defendants.

C.A. No. 07-00066 GMS

ORDER

AND NOW this day of , 2007, the Court having heard and considered Defendant Benson, P.A.'s Motion to Dismiss and Opening Brief in Support Thereof, and Plaintiff Snyder having failed to file timely any opposition thereto, it is hereby ORDERED that Plaintiff Snyder's Complaint is dismissed with prejudice against Defendant Benson, P.A. with Plaintiff Snyder assessed all costs and, pursuant to Civil Rule 11, Defendant Benson, P.A.'s reasonable counsel fees. Counsel for Defendant Benson, P.A. shall submit within five business days hereof an application of fees and expenses incurred in connection with having to defend Plaintiff Snyder's Complaint, and this Court reserves jurisdiction to amend this Order to include an award therefor.

**JUDGE OF THE UNITED STATES DISTRICT
COURT**

CERTIFICATE OF SERVICE

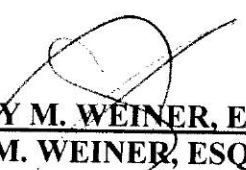
I, Jeffrey M. Weiner, Esquire, hereby certify that copies of **Response of Benson, P.A. to Plaintiff Snyder's Objection to Letter(s) and Motion for Sanctions** were E-served this 8th day of June, 2007, as follows:

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BY MAIL:

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/s/ JEFFREY M. WEINER, ESQUIRE #403
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Counsel for Defendant Bonnie Benson, P.A.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

RICHARD SNYDER,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 07-00066 GMS
)	
GPM 2, LLC, CHRISTY)	
MANAGEMENT, LLC, BONNIE)	
BENSON, P.A., THE FELTON BANK)	
OF DELAWARE, JAMES P. CONNOR,)	
JR., UNKNOWN TITLE INSURANCE)	
COMPANY and SERGOVIC & ELLIS,)	
P.A.,)	
)	
Defendants.)	

**RESPONSE OF BENSON, P.A. TO PLAINTIFF SNYDER'S OBJECTION
TO LETTER(S) AND MOTION FOR SANCTIONS**

COMES NOW Defendant Bonnie Benson, P.A. ("Benson, P.A."), and for her response to Plaintiff Snyder's Objection to Letter(s). Motion for Sanctions states the following:

1. Ex Parte. A generally-accepted definition of *ex parte* is one party communicating with the Court without notice to another party. Plaintiff Snyder's characterization as "*ex parte*" counsel's communications to the Court to which Plaintiff Snyder was contemporaneously copied is without merit and frivolous.

2. Defendant Benson, P.A.'s Motion to Dismiss. On April 19, 2007, Defendant Benson, P.A. filed her Motion to Dismiss and Opening Brief in Support Thereof (Docket Entries #11 and #12). A copy of these pleadings was duly served upon

Plaintiff Snyder. Pursuant to Local District Court Civil Rule 7.1.2, Plaintiff Snyder's Answering Brief was due on or about Monday, May 7, 2007. Even allowing three extra days for service by mail, Plaintiff Snyder's Answering Brief was due on Thursday, May 10, 2007. Plaintiff Snyder failed to file an Answering Brief in opposition to Defendant Benson, P.A.'s Motion to Dismiss. If Plaintiff Snyder wanted to oppose Defendant Benson, P.A.'s Motion to Dismiss, he was required to file an Answering Brief in opposition thereto within the time frame set forth in the Local District Court Civil Rules.

3. Oral Argument. Local District Court Civil Rule 7.1.4 requires an application of a party for oral argument to be in writing and made no later than three days after service of a (Reply) Brief. In light of Plaintiff Snyder's failure to file an Answering Brief in opposition to Defendant Benson, P.A.'s Motion to Dismiss and Opening Brief, arguably any application for oral argument should have been filed within three business days of April 19, 2007 or, alternatively, within three business days of May 10, 2007. Plaintiff Snyder filed no such application timely.

4. Day In Court. Defendant Benson, P.A. is befuddled by Snyder's comments as to "day in Court." Plaintiff Snyder's claims are "in Court." To the extent that Plaintiff Snyder is referring to a trial, Plaintiff Snyder has failed to defend Defendant Benson, P.A.'s Motion to Dismiss.

5. Waiver of Answering Brief. Defendant Benson, P.A., pursuant to Local District Court Civil Rule 7.1.2(a) waives any right to file an Answering Brief in Opposition to Plaintiff Snyder's Objection to Letter(s). Motion for Sanctions and, instead, is content to rely upon this Response.

WHEREFORE, Defendant Bonnie Benson, P.A. respectfully requests that this Court grant her Motion to Dismiss with prejudice and assess Plaintiff Snyder all costs and fees incurred with having to respond to Plaintiff Snyder's frivolous claims.

Respectfully submitted,

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DATED: June 8, 2007